

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:18-cv-00377-CRC**

CITIZENS FOR RESPONSIBILITY AND ETHICS IN  
WASHINGTON v. GENERAL SERVICES  
ADMINISTRATION

Assigned to: Judge Christopher R. Cooper  
Demand: \$0

Case in other court: USCA, 19-05134

Cause: 05:552 Freedom of Information Act

**Plaintiff**

**CITIZENS FOR RESPONSIBILITY  
AND ETHICS IN WASHINGTON**

represented by **Anne L. Weismann**  
CITIZENS FOR RESPONSIBILITY AND  
ETHICS IN WASHINGTON  
1101 K Street, NW  
Suite 201  
Washington, DC 20005  
(202) 408-5565  
Fax: (202) 588-5020  
Email: [aweismann@citizensforethics.org](mailto:aweismann@citizensforethics.org)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**GENERAL SERVICES  
ADMINISTRATION**

represented by **John Moustakas**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2518  
Email: [john.moustakas@usdoj.gov](mailto:john.moustakas@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Melanie Dyani Hendry**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2510  
Fax: (202) 252-2599  
Email: [melanie.hendry2@usdoj.gov](mailto:melanie.hendry2@usdoj.gov)  
**TERMINATED: 08/07/2019**

| Date Filed | #        | Docket Text  |
|------------|----------|--|
| 02/20/2018 | <u>1</u> | COMPLAINT against GENERAL SERVICES ADMINISTRATION ( Filing fee \$ 400 receipt number 0090-5338556) filed by CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons GSA, # <u>3</u> Summons Attorney General, # <u>4</u> Summons U.S. Attorney)(Weismann, Anne) (Entered: 02/20/2018) |
| 02/20/2018 | <u>2</u> | LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON (Weismann, Anne) (Entered: 02/20/2018)  |

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| 02/20/2018 |           | Case Assigned to Judge Christopher R. Cooper. (zmd) (Entered: 02/22/2018)   |
| 02/22/2018 | <u>3</u>  | SUMMONS (3) Issued Electronically as to GENERAL SERVICES ADMINISTRATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent) (zmd) (Entered: 02/22/2018)   |
| 02/27/2018 | <u>4</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 02/27/2018. (Weismann, Anne) (Entered: 02/27/2018)   |
| 02/27/2018 | <u>5</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 2/27/2018. Answer due for ALL FEDERAL DEFENDANTS by 3/29/2018. (Weismann, Anne) (Entered: 02/27/2018)  |
| 02/27/2018 | <u>6</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON served on 2/26/2018 (Weismann, Anne) (Entered: 02/27/2018)  |
| 03/26/2018 | <u>7</u>  | NOTICE of Appearance by Melanie Dyani Hendry on behalf of GENERAL SERVICES ADMINISTRATION (Hendry, Melanie) (Entered: 03/26/2018)   |
| 03/26/2018 | <u>8</u>  | ANSWER to <u>1</u> Complaint by GENERAL SERVICES ADMINISTRATION.(Hendry, Melanie) Modified to add link on 3/27/2018 (znmw). (Entered: 03/26/2018)   |
| 03/27/2018 |           | MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. Since the requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure do not apply, it is hereby ORDERED that the parties shall confer and file a joint proposed schedule for briefing or disclosure by April 10, 2018. Signed by Judge Christopher R. Cooper on 3/27/2018. (lccrc2) (Entered: 03/27/2018)   |
| 03/27/2018 |           | Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 4/10/2018 (lsj) (Entered: 03/27/2018)  |
| 04/02/2018 | <u>9</u>  | Unopposed MOTION for Extension of Time to File <i>Joint Briefing Schedule</i> by CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON (Attachments: # <u>1</u> Text of Proposed Order)(Weismann, Anne) (Entered: 04/02/2018)  |
| 04/03/2018 |           | MINUTE ORDER granting <u>9</u> Plaintiff's Motion for Extension of Time. The parties shall now file their joint proposed schedule for production and, if necessary, briefing by April 20, 2018. Signed by Judge Christopher R. Cooper on 4/3/2018. (lccrc2) (Entered: 04/03/2018)   |
| 04/03/2018 |           | Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 4/20/2018 (lsj) (Entered: 04/03/2018)  |
| 04/20/2018 | <u>10</u> | Joint STATUS REPORT <i>and Proposed Briefing Schedule</i> by GENERAL SERVICES ADMINISTRATION. (Hendry, Melanie) (Entered: 04/20/2018)   |
| 04/24/2018 |           | MINUTE ORDER: In light of <u>10</u> the parties' joint status report, the briefing schedule shall be as follows: Defendant's motion for summary judgment shall be due by June 15, 2018; Plaintiff's combined opposition and cross-motion for summary judgment shall be due by July 13, 2018; Defendant's combined reply and opposition shall be due by August 10, 2018; and Plaintiff's reply shall be due by August 31, 2018. Signed by Judge Christopher R. Cooper on 4/24/2018. (lccrc2) (Entered: 04/24/2018) |
| 04/24/2018 |           | Set/Reset Deadlines: Summary Judgment motions due by 6/15/2018. Response to Motion for Summary Judgment due by 7/13/2018. Reply to Motion for Summary Judgment due by 8/10/2018. Replies due by 8/31/2018. (lsj) (Entered: 04/24/2018)  |
| 06/14/2018 | <u>11</u> | Consent MOTION to Amend Briefing Schedule by GENERAL SERVICES ADMINISTRATION (Hendry, Melanie) Modified text and event on 6/15/2018 (ztd). (Entered: 06/14/2018)  |
| 06/15/2018 |           | MINUTE ORDER granting <u>11</u> Defendant's Motion to Amend Briefing Schedule. The following summary judgment briefing schedule shall now apply: Defendant's motion for summary judgment shall be due by June 29, 2018; Plaintiff's combined opposition and cross-motion for summary judgment shall be due by July 27, 2018; Defendant's combined opposition and reply shall be due by August 24, 2018; and Plaintiff's reply   |

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|            |           | shall be due by September 7, 2018. Signed by Judge Christopher R. Cooper on 6/15/2018. (lccrc2) (Entered: 06/15/2018)   |
| 06/18/2018 |           | Set/Reset Deadlines: Summary Judgment motions due by 6/29/2018. Response to Motion for Summary Judgment due by 7/27/2018. Reply to Motion for Summary Judgment due by 8/24/2018. Plaintiff's Reply due by 9/7/2018. (lsj) (Entered: 06/18/2018)   |
| 06/27/2018 | <u>12</u> | MOTION to Vacate <i>Summary Judgment Briefing Schedule</i> by GENERAL SERVICES ADMINISTRATION (Hendry, Melanie) (Entered: 06/27/2018)   |
| 06/28/2018 | <u>13</u> | RESPONSE re <u>12</u> MOTION to Vacate <i>Summary Judgment Briefing Schedule</i> filed by CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Text of Proposed Order)(Weismann, Anne) (Entered: 06/28/2018)  |
| 06/28/2018 |           | MINUTE ORDER granting <u>12</u> Defendant's Motion to Vacate. The Court will vacate the current briefing schedule entered by Minute Order on June 15, 2018. Defendant shall process and produce the newly-located records by July 6, 2018. The parties shall then meet and confer and file a new proposed briefing schedule designed to resolve the case expeditiously by July 13, 2018. Signed by Judge Christopher R. Cooper on 6/28/2018. (lccrc2) Modified on 7/2/2018 (zlsj). (Entered: 06/28/2018)              |
| 06/29/2018 |           | ***Deadlines terminated. Set/Reset Deadlines: Proposed Briefing Schedule due by 7/13/2018 (lsj) (Entered: 06/29/2018)   |
| 07/13/2018 | <u>14</u> | PROPOSED BRIEFING SCHEDULE by GENERAL SERVICES ADMINISTRATION. (Hendry, Melanie) (Entered: 07/13/2018)  |
| 07/13/2018 | <u>15</u> | STATUS REPORT by GENERAL SERVICES ADMINISTRATION; (See docket entry no. <u>14</u> to view.) (ztd) (Entered: 07/17/2018)   |
| 07/17/2018 |           | MINUTE ORDER: In light of <u>14</u> the parties' joint status report, the following briefing schedule shall apply: Defendant's motion for summary judgment shall be due by August 7, 2018. Plaintiff's combined opposition and cross-motion for summary judgment shall be due by September 7, 2018. Defendant's combined opposition and reply shall be due by October 5, 2018. Plaintiff's reply shall be due by October 26, 2018. Signed by Judge Christopher R. Cooper on 7/17/2018. (lccrc2) (Entered: 07/17/2018) |
| 07/17/2018 |           | Set/Reset Deadlines: Summary Judgment motions due by 8/7/2018. Response to Motion for Summary Judgment due by 9/7/2018. Reply to Motion for Summary Judgment due by 10/5/2018. Plaintiff's Replies due by 10/26/2018. (lsj) (Entered: 07/17/2018)   |
| 08/06/2018 | <u>16</u> | MOTION for Summary Judgment by GENERAL SERVICES ADMINISTRATION (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of Travis Lewis)(Hendry, Melanie) (Entered: 08/06/2018)  |
| 09/07/2018 | <u>17</u> | Memorandum in opposition to re <u>16</u> MOTION for Summary Judgment filed by CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON. (Attachments: # <u>1</u> Exhibit A-E, # <u>2</u> Statement of Facts Response, # <u>3</u> Text of Proposed Order)(Weismann, Anne) (Entered: 09/07/2018)  |
| 10/02/2018 | <u>18</u> | Consent MOTION for Extension of Time to File Response/Reply by GENERAL SERVICES ADMINISTRATION (Hendry, Melanie) (Entered: 10/02/2018)  |
| 10/09/2018 |           | MINUTE ORDER granting Defendant's <u>18</u> Consent Motion for Extension of Time to File Response/Reply. Defendant's Response shall now be due on or before October 26, 2018. Signed by Judge Christopher R. Cooper on 10/9/2018. (lccrc2) (Entered: 10/09/2018)  |
| 10/09/2018 |           | Set/Reset Deadlines: Responses due by 10/26/2018 (lsj) (Entered: 10/09/2018)  |
| 10/17/2018 | <u>19</u> | ENTERED IN ERROR.....ANSWER to Complaint by GENERAL SERVICES ADMINISTRATION.(Nebeker, William) Modified on 10/17/2018 (zjf). (Entered: 10/17/2018)  |

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| 10/17/2018 |           | NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <u>19</u> Answer to Complaint was entered in error and refiled by counsel in the correct case(jf) (Entered: 10/17/2018)  |
| 10/24/2018 | <u>20</u> | MOTION for Extension of Time to File Response/Reply by GENERAL SERVICES ADMINISTRATION (Hendry, Melanie) (Entered: 10/24/2018)   |
| 10/26/2018 |           | MINUTE ORDER granting <u>20</u> Defendant's Motion for Extension of Time to File Response/Reply. Defendant's response is now due on or before November 9, 2018. Signed by Judge Christopher R. Cooper on 10/26/2018. (lccrc2) (Entered: 10/26/2018)  |
| 10/26/2018 |           | Set/Reset Deadlines: Responses due by 11/9/2018. (znbn) (Entered: 10/26/2018)  |
| 11/08/2018 | <u>21</u> | REPLY to opposition to motion re <u>16</u> MOTION for Summary Judgment filed by GENERAL SERVICES ADMINISTRATION. (Attachments: # <u>1</u> Second Declaration of Travis Lewis)(Hendry, Melanie) (Entered: 11/08/2018)   |
| 11/13/2018 | <u>22</u> | NOTICE of Change of Address by Anne L. Weismann (Weismann, Anne) (Entered: 11/13/2018)   |
| 12/03/2018 |           | MINUTE ORDER: The parties shall appear for a hearing on Defendant's <u>16</u> motion for summary judgment on Wednesday, December 12, 2018 at 2:00 p.m. in Courtroom 27A. The parties should be particularly prepared to discuss the redactions made to the Findings and Determination document—referenced by Plaintiff in its opposition at pages 29–31 and labeled as Exhibit E in the attachments thereto—including the question of whether that document is properly considered predecisional. Signed by Judge Christopher R. Cooper on 12/3/2018. (lccrc2) (Entered: 12/03/2018) |
| 12/03/2018 |           | Set/Reset Hearings: Motion Hearing set for 12/12/2018 at 2:00 PM in Courtroom 27A before Judge Christopher R. Cooper. (lsj) (Entered: 12/03/2018)  |
| 12/12/2018 |           | Minute Entry for proceedings held before Judge Christopher R. Cooper: Motion Hearing held on 12/12/2018 re <u>16</u> Motion for Summary Judgment. Arguments on motion heard and taken under advisement. Opinion forthcoming. (Court Reporter: Lisa Moreira) (zjd) (Entered: 12/12/2018)  |
| 12/17/2018 | <u>23</u> | MEMORANDUM OPINION AND ORDER denying Defendant's Motion <u>16</u> for Summary Judgment. Signed by Judge Christopher R. Cooper on 12/17/2018. (lccrc2) Modified on 12/17/2018 (lsj). (Entered: 12/17/2018)  |
| 12/17/2018 |           | Set/Reset Deadlines: Defendant's declaration due by 12/24/2018. Plaintiff's reply due by 1/9/2019. (lsj) (Entered: 12/17/2018)   |
| 12/26/2018 | <u>24</u> | MOTION to Stay <i>in Light of Lapse of Appropriations</i> by GENERAL SERVICES ADMINISTRATION (Hendry, Melanie) (Entered: 12/26/2018)   |
| 12/27/2018 |           | MINUTE ORDER granting <u>24</u> Defendant's Motion to Stay. All deadlines in the case shall be stayed pending renewed funding. Signed by Judge Christopher R. Cooper on 12/27/2018. (lccrc2) (Entered: 12/27/2018)   |
| 02/01/2019 |           | MINUTE ORDER: In light of the restoration of appropriations, the stay in this case is lifted. The parties shall provide a joint status report on or before February 8, 2019, which shall include a proposed schedule for future proceedings. Signed by Judge Christopher R. Cooper on 2/1/2019. (lccrc2) (Entered: 02/01/2019)   |
| 02/05/2019 |           | Set/Reset Deadlines: Joint Status Report due by 2/8/2019 (lsj) (Entered: 02/05/2019)   |
| 02/07/2019 | <u>25</u> | Joint STATUS REPORT by GENERAL SERVICES ADMINISTRATION. (Hendry, Melanie) (Entered: 02/07/2019)  |
| 02/07/2019 |           | MINUTE ORDER: In light of the parties' <u>25</u> joint status report, the following deadlines shall apply: Defendant's declaration regarding the "Findings and Determination" document is due on or before February 15, 2019; Plaintiff's deadline to file its response to the declaration is due on or before March 1, 2019; and the parties' next status report, which should update the Court on the status of production, is due on or before March 11, 2019. Signed by Judge Christopher R. Cooper on 2/7/2019. (lccrc2) (Entered: 02/07/2019)                                  |

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| 02/07/2019 |           | Set/Reset Deadlines: Defendant's declaration regarding the "Findings and Determination" document is due on or before 2/15/2019. Responses due by 3/1/2019. Status Report due by 3/11/2019. (znbn) (Entered: 02/08/2019)   |
| 02/14/2019 | <u>26</u> | NOTICE of Filing of Declaration by GENERAL SERVICES ADMINISTRATION (Attachments: # <u>1</u> Declaration of Joel T. Berelson)(Hendry, Melanie) (Entered: 02/14/2019)   |
| 02/25/2019 | <u>27</u> | RESPONSE re <u>26</u> Notice (Other) Declaration of Joel T. Berelson filed by CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON. (Attachments: # <u>1</u> Exhibit A)(Weismann, Anne) (Entered: 02/25/2019)   |
| 03/05/2019 | <u>28</u> | MEMORANDUM OPINION AND ORDER denying Defendant's motion for summary judgment with respect to the Findings and Determination document. Signed by Judge Christopher R. Cooper on 3/5/2019. (lccrc2) (Entered: 03/05/2019)   |
| 03/08/2019 | <u>29</u> | Joint STATUS REPORT by GENERAL SERVICES ADMINISTRATION. (Hudak, Brian) (Entered: 03/08/2019)  |
| 03/08/2019 |           | MINUTE ORDER: In light of <u>29</u> the parties' joint status report, the Defendant shall provide to Plaintiff and to the Court a supplemental declaration on or before March 22, 2019. Furthermore, the parties shall file an updated joint status report on or before April 8, 2019. Signed by Judge Christopher R. Cooper on 3/8/2019. (lccrc2) (Entered: 03/08/2019)  |
| 03/11/2019 |           | Set/Reset Deadlines: Supplemental Declaration due by 3/22/2019. Joint Status Report due by 4/8/2019. (lsj) (Entered: 03/11/2019)  |
| 03/22/2019 | <u>30</u> | RESPONSE TO ORDER OF THE COURT re Order, filed by GENERAL SERVICES ADMINISTRATION. (Attachments: # <u>1</u> Declaration)(Hendry, Melanie) (Entered: 03/22/2019)   |
| 04/05/2019 | <u>31</u> | Joint STATUS REPORT by GENERAL SERVICES ADMINISTRATION. (Hendry, Melanie) (Entered: 04/05/2019)   |
| 05/02/2019 | <u>32</u> | NOTICE OF APPEAL TO DC CIRCUIT COURT as to <u>28</u> Order by GENERAL SERVICES ADMINISTRATION. Fee Status: No Fee Paid. Parties have been notified. (Hendry, Melanie) (Entered: 05/02/2019)   |
| 05/03/2019 | <u>33</u> | Transmission of the Notice of Appeal, Order Appealed (Memorandum Opinion), and Docket Sheet to US Court of Appeals. The Court of Appeals docketing fee was not paid because the appeal was filed by the government re <u>32</u> Notice of Appeal to DC Circuit Court. (ztd) (Entered: 05/03/2019)   |
| 05/09/2019 |           | USCA Case Number 19-5134 for <u>32</u> Notice of Appeal to DC Circuit Court filed by GENERAL SERVICES ADMINISTRATION. (zrdj) (Entered: 05/09/2019)  |
| 07/29/2019 | <u>34</u> | MANDATE of USCA as to <u>32</u> Notice of Appeal to DC Circuit Court filed by GENERAL SERVICES ADMINISTRATION ; USCA Case Number 19-5134. (Attachments: # <u>1</u> USCA Order)(zrdj) (Entered: 07/30/2019)  |
| 08/07/2019 | <u>35</u> | NOTICE OF SUBSTITUTION OF COUNSEL by John Moustakas on behalf of GENERAL SERVICES ADMINISTRATION Substituting for attorney Melanie Hendry (Moustakas, John) (Entered: 08/07/2019)   |
| 12/05/2019 |           | MINUTE ORDER: In light of <u>31</u> the parties' latest Joint Status Report indicating that there are no remaining disputes and <u>34</u> Mandate of the U.S. Court of Appeals for the D.C. Circuit indicating that the government's appeal of <u>28</u> the Court's March 5, 2019 Memorandum Opinion & Order was voluntarily dismissed, this case is hereby CLOSED. Signed by Judge Christopher R. Cooper on 12/5/19. (lccrc2) (Entered: 12/05/2019) |